IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.128 OF 2006

IN

SUMMARY SUIT NO.3412 OF 2005

Tata Motors Limited. ...Plaintiff.

vs.

1.Mithila Autos & others. ...Defendants.

Mr.Virag Tulzapurkar i/b. D.S.K.Legal, for Plaintiff.

None for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 25th July, 2006.

P.C.:-

1. This is a summons for judgment taken out by the plaintiff only against defendant nos.1 and 2. The defendant nos. 1 and 2 are served. A lawyer is appearing on their behalf. Within the time provided by the provisions of Order 37 of C.P.C. no application for leave to defend has been filed. Therefore, in terms of the provisions of Order 37 of C.P.C. the plaintiff is entitled to a judgment.

2. Heard the learned Counsel appearing for plaintiff. Perused the record. It appears that the claim made by the plaintiff is virtually admitted by the defendants in its letter. The summons for judgment is therefore, granted. The suit of the plaintiff is decreed in terms of prayer clause (a) as against defendant nos.1 & 2 only. The suit as against the defendant no.3 remains pending.